Government of Saskatchewan

Annual Report 1984

Saskatchewan Public and Private Rights Board

ANNUAL REPORT - 1984

PUBLIC AND PRIVATE RIGHTS BOARD

TABLE OF CONTENTS

	Page
Letter of Transmittal	1
Staff	2
Report on Activities	3

TABLES

Number of Investigations and Negotiations by the Board - Nature of each, 1984	8
Number of Investigations undertaken by the Board by Expropriating Authority Involved, 1984	9
Number of claims negotiated by the Board by Expropriating Authority Involved, 1984	10
Number of Investigations undertaken by the Board, 1974 - 1984	11
Number of Investigations undertaken by Expropriating Authority Involved, 1974 - 1984	12
Number of Claims Negotiated by the Board, 1974 - 1984	13
Number of Claims negotiated by the Board by Expropriating Authority Involved, 1974 - 1984	14

Saskatchewan

Saskathewan
Public and Private
Rights Board

(Expropriation Procedure
Act, 1968)

1020 - 1914 Hamilton Street
Regina, Canada
S4P 4V4

(308) 565-4071

. January 10, 1985

Honourable Grant Devine
President of the Executive Council

Dear Mr. Premier:

As per Section 6 (3) of the Expropriation Procedure Act I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 1984 to December 31, 1984.

Respectfully submitted,

Pauline A. Duncan
Chairman

PAD/mw

The Public and Private Rights Board staff as at December 31, 1984:

Ms. Pauline A. Duncan, Chairman

Mr. Glen T. Hamilton, Director

Mrs. Marion Windrum, Secretary

REPORT ON ACTIVITIES

In 1984, the Public and Private Rights Board received thirty (30) requests from landowners to review matters relating to expropriation or intentions by expropriating authorities to acquire land. Of this total, eight (8) were requests to review the route, situation or design of a public improvement or proposed public improvement as per Section Seven (7) of the Expropriation Procedure Act, and twenty-two (22) were requests to review the amount of compensation offered as per Section Eight (8) of the Expropriation Procedure Act.

During 1984 the Public and Private Rights Board concluded negotiations resulting from fifteen (15) requests to review the amount of compensation offered for expropriated lands. Of these fifteen (15) concluded compensation negotiations, one (1) resulted from a request received by the Board in 1981, five (5) resulted from requests made to the Board in 1982, five (5) were from 1983, and four (4) resulted from requests received in 1984. During 1984, the Board also concluded negotiations resulting from thirty-eight (38) requests from landowners to review the route, situation or design of a public improvement or proposed public improvement. Of these thirty-eight (38) concluded negotiations on route, situation or design, thirty-two (32) were received by the Board in 1982, one (1) was received in 1983, and five (5) were received during 1984.

The dispositions of negotiations concluded by the Board during 1984 are outlined below.

The one compensation case from 1981 was concluded with the payment of an amount of compensation greater than provided in the formal Offer of Compensation and with mitigation measures put in place.

Thirty-one (31) of the thirty-two (32) route, situation or design negotiations which were received by the Board during 1982 and concluded in 1984 were related to the proposals of the Hunter Creek Conservation and Development Area Authority. Our Board facilitated and conducted negotiations in this regard with and between the individual landowners who petitioned our Board for a review, an association of landowners calling itself the Hunter Creek "Save the Water Committee" questioning the proposed improvement, the Conservation and Development Area Authority and the Conservation and Land Improvement Branch of Saskatchewan Agriculture. The result of negotiations was the preparation and distribution of informational documents and an information package, and information and discussion meetings prior to a referendum. The other route, situation or design negotiation concluded in 1984 which was received in 1982 was closed because Saskatchewan Power Corporation decided on an alternative route for their proposed electrical transmission line which originally potentially affected the Institute of Space and Atmospheric Studies' (University of Saskatchewan) research facility.

The five (5) compensation negotiations from 1982 concluded in 1984 were all resolved by agreements between the expropriated landowner and the expropriating authority wherein the expropriated landowner was given additional compensation to that offered by the Formal Offer of Compensation.

The one (1) route, situation or design negotiation received by the Board in 1983 and concluded in 1984 was resolved by a slight re-routing of a Saskatchewan Telecommunications buried cable to satisfy the landowners main concerns. Three (3) of the five (5) compensation negotiations received by the Board in 1983 and resolved in 1984 were settled by the payment of monetary compensation greater than offered in the formal offer. The other two (2) were resolved by the Board expediting damage claim payments.

Five (5) of the eight (8) requests to review the route, situation or design of a public improvement which were received by the Board in 1984 were negotiated to conclusion. One (1) was a request to limit the amount of land required by Saskatchewan Power for its Nipawin Hydro Electric project. Negotiations did not result in an agreement and expropriation occurred for which we continue to negotiate compensation. Two (2) were requests to reroute Saskatchewan Telecommunication's buried cables. Neither of these resulted in compromises suitable to the landowners and in both cases expropriation occurred. The other two (2) of these 1984 requests concluded in 1984 were resolved with Saskatchewan Highways agreeing to route and design factors agreeable to the landowners.

Of the twenty-two (22) requests to review the amount of compensation offered which were received by the Board in 1984, four (4) were concluded: two (2) with an agreement between the expropriated landowner and the expropriating authority providing an amount of compensation greater than that offered in the formal offer, and two were concluded with the landowner agreeing to accept the amount of the formal offer.

During 1985 the Board will continue negotiations and mediations between the landowners and the expropriating authority on one (1) compensation case which was received by the Board in 1983 (to which resolution is expected shortly), on seventeen (17) compensation cases which were received by the Board during 1984 and on three (3) route, situation or design cases which were received by the Board during 1984.

No cases received, investigated or negotiated by the Board during 1984 were or will be taken to the courts for resolution.

POLICY REVIEWS

The Board continued to discuss land acquisition and compensation policies with the relevant Departments, Agencies, Boards and Corporations with which it is empowered to interact. We have three particular areas of concern which we continue to attempt to resolve through ongoing discussions with those affected and involved. First, the lack of standard acquisition and compensation policies throughout the agencies and authorities which acquire land through negotiations and expropriation; second, an inadequate amount of compensation for easement acquisitions; and third, the disparity between the amounts of compensation offered, awarded and received by landowners surrendering surface rights for oil and mineral exploration and development and that offered to landowners from whom land or easements are obtained in agreement or expropriation by expropriating authorities.

Our Board has over the years received numerous requests for our assistance in negotiating and mediating settlements from landowners who have been expropriated, or are about to be, by agencies and authorities not covered by

the Expropriation Procedure Act (including among others cities, towns, villages, rural municipalities and school boards). We will discuss this matter further with those involved in, and affected by, this situation before making any recommendations in this regard.

The Public and Private Rights Board continued to enjoy the co-operation of all expropriating authorities with whom we are empowered to interact in the Board's investigations and negotiations.

ADMINISTRATION

Mr. Myron A. Kuziak who served as member and chairman of the Board since 1974 was succeeded in that position by Ms. Pauline A. Duncan on May 10, 1984.

Effective with the 1984 - 85 fiscal year, the Public and Private Rights Board was administratively amalgamated into the Department of Justice. This has not proven to be detrimental to our ability to investigate and negotiate independently with the governmental expropriating authorities with which we interact.

ANNUAL REPORT - 1984

PUBLIC AND PRIVATE RIGHTS BOARD

SECTION 6 - 3, EXPROPRIATION PROCEDURE ACT

TABLE 1

(a)	Number of investigations undertaken by the Board		30
	Nature of each:		
	Route, situation or design	8	
	Compensation	22	
(b)	Number of claims negotiated by the Board		66
	Nature of each:		
	Route, situation or design	38	
	Compensation	28	

(c) We do not suggest any amendments to any Acts relating to the expropriation of land at this time.

TABLE 2

Number of Investigations undertaken by the Board by

Expropriating Authority Involved, 1984

Expropriating Authority	Route, Situation or Design	Compensation	Total
Saskatchewan Highways	5	2	7
Saskatchewan Power Corporation	1	4	5
Saskatchewan Telecommunications	2	15	17
Miscellaneous (R.M.)		1	1

TABLE 3

Number of claims negotiated by the Board by Expropriating Authority Involved, 1984

Expropriating Authority	Route	Compensation	Total
Conservation and Development Area Authorities	31	1	32
Saskatchewan Highways	2	1	3
Saskatchewan Power Corporation	2	3	5
Saskatchewan Telecommunications	3	23	26

TABLE 4

Number of investigations undertaken by the Board 1974 - 1984.

Year	Route, Situation or Design	Compensation	Miscellaneous	Total
1974	33	24	5	62
1975	23	12	5	40
1976	13	18		31
1977	20	30	7	57
1978	11	12	3	26
1979	3	15	4	22
1980	4	9	3	16
1981	53	55		108
1982	38	58		96
1983	3	8		11
1984	8	22		30

TABLE 5

Number of Investigations undertaken by the Board by Expropriating Authority Involved, 1974 - 1984

Year	Sask. Agriculture (C & D)	Sask. Highways	Sask. Parks & Renewable Resources	Sask. Power	Sask. Supply & Services	Sask. Tel	Miscellaneous
1974	2	18	-	25	-	12	5
1975	9	20	-	4	-	2	5
1976	3	12	-	3	-	4	9
1977	5	3	-	13	16	13	7
1978	2	4	1	1	5	5	3
1979	3	9	-	1	1	3	4
1980	1	5	-	2	-	1	3
1981	7	11	-	80	-	4	6
1982	33	2	-	53	-	8	-
1983	-	-	-	1	-	11	-
1984	-	7	-	5	-	17	1

TABLE 6

Number of claims negotiated by the Board 1974 - 1984.

Year	Route, situation or design	Compensation	Total
1974	33	24	57
1975	23	12	35
1976	9	18	27
1977	20	30	50
1978	11	12	23
1979	3	15	18
1980	4	9	13
1981	51	51	102
1982	38	58	96
1983	2	8	10
1984	38	28	66

TABLE 7

Number of claims negotiated by the Board by Expropriating Authority Involved 1974 - 1984

Year	Sask. Agric. (C&D)	Sask. Highways	Sask. Parks & Ren. Resources	Sask. Power	Sask. Supply & Services	Sask. Tel	Misc.
1974	2	18	-	25	-	12	-
1975	9	20	-	4	-	2	-
1976	3	12	-	3	-	4	5
1977	5	3	-	13	16	13	-
1978	2	4	1	1	5	5	5
1979	3	9	-	1	1	3	1
1980	1	5	-	2	-	2	3
1981	7	11	-	80	-	4	-
1982	33	2	-	53	-	8	-
1983	-	-	-	1	-	9	-
1984	32	3	-	5	-	26	-